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4 GRANT DALE HURLBERT,
5 Plaintiff,
6 v.
7 WILLIAM L. MUNIZ, et al.,
8 Defendants.

9 Case No. [15-cv-04357-JSC](#)
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**ORDER GRANTING EXTENSION
OF TIME; DENYING MOTION
FOR PRODUCTION OF
DOCUMENTS; DENYING
MOTION FOR LEAVE TO
AMEND**

12 Re: Dkt. Nos. 27, 28, 31
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15 Plaintiff, a state prisoner at Corcoran State Prison, filed this pro se civil rights action under
16 42 U.S.C. § 1983. He has filed an amended complaint against officials at Salinas Valley State
17 Prison, where he was formerly housed. The amended complaint supersedes the original complaint
18 and is now the operative complaint. Defendants have filed a motion for summary judgment, and
19 Plaintiff has filed an opposition. Defendants' reply brief remains due.

20 Plaintiff has also filed a motion for leave to amend the complaint further to add state law
21 claims against a new Defendant --- James Beard, the Secretary of the Department of Corrections
22 and Rehabilitation. This motion is DENIED without prejudice to re-filing after the pending
23 motion for summary judgment is resolved. If summary judgment is denied and there remain
24 federal claims against the current Defendants, then the Court may exercise supplemental
25 jurisdiction over Plaintiff's state law claims 28 U.S.C. § 1337(a). If the summary judgment
26 motion is granted and no more federal claims remain, the Court will not exercise supplemental
27 jurisdiction over Plaintiff's state law claims and he may bring them in state court. *See* 28 U.S.C. §
1337(c)(3) (district court may decline supplemental jurisdiction over state law claims when all
claims over which it has original jurisdiction have been dismissed).

28 Good cause appearing, Defendants' motion for an extension of time to file a reply brief, to

1 and including August 2, 2016, is GRANTED.

2 Plaintiff has filed a motion requesting that Defendant Muniz produce documents.
3 Discovery requests, including requests for production of documents, must be sent directly to
4 Defendants and not filed as motions with the Court. This motion is DENIED. If a discovery
5 dispute arises and the parties cannot resolve it on their own, they may file a motion to compel
6 discovery as provided in the Federal Rules of Civil Procedure.

7 **IT IS SO ORDERED.**

8 Dated: August 1, 2016

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11 JACQUELINE SCOTT CORLEY
United States Magistrate Judge

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United States District Court
Northern District of California

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4 GRANT DALE HURLBERT,
5 Plaintiff,
6 v.
7 WILLIAM L. MUNIZ, et al.,
8 Defendants.

9 Case No. 15-cv-04357-JSC

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11 **CERTIFICATE OF SERVICE**

12 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S.
13 District Court, Northern District of California.

14 That on August 1, 2016, I SERVED a true and correct copy(ies) of the attached, by placing
15 said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by
16 depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery
17 receptacle located in the Clerk's office.

18
19 Grant Dale Hurlbert ID: Prisoner Id AA2825
20 Corcoran State Prison
P.O. Box 3466
03Bl-220U
Corcoran, CA 93212

21
22 Dated: August 1, 2016

23
24 Susan Y. Soong
Clerk, United States District Court

25
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27 By: 
Ada Means, Deputy Clerk to the
Honorable JACQUELINE SCOTT CORLEY